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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,757	10/30/2000	Nobuyuki Matsushita	112857-076	6866

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EXAMINER
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GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2672

14

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/699,757

Applicant(s)

MATSUSHITA ET AL.

Examiner

Motilewa A. Good-Johnson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is responsive to the following communications: Application, filed on 10/30/2000; Preliminary Amendment A, filed on 10/30/2000; Amendment B, filed 04/24/2003; Amendment C, filed 09/25/2003.

**This action is made final.**

2. Claims 4-17 are pending in this application. Claims 4, 6-8, 10 and 15 are independent claims. Claims 1-3 have been canceled. Claims 10-17 have been added.

3. The present title of this application is "Apparatus and Method for Manipulating a Touch-Sensitive Display Panel" (as amended).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 4-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Minakuchi et al., U.S. Patent Number 5,844,547, "Apparatus for Manipulating an Object Displayed on a Display Device by Using a Touch Screen", class 345/173.

As per independent claim 4, a portable computer comprising: a frame which can be grasped by a user's hand; (Minakuchi discloses a touch screen device, col. 2, line 64 - col. 3, line 1) a touch-sensitive panel mounted on the upper surface of the frame;

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(Minakuchi discloses a touch screen which is mounted on the display surface, col. 3, lines 12-20) detecting means for detecting specification of at least a first point on said display panel in the vicinity of a region where a user's thumb is positioned . . . and a second point on said display panel; (Minakuchi discloses display control means that recognizes a manipulation conducted based on the touch screen information from the touch screen, col. 2, lines 20-25, and discloses a touch position set for a thumb, col. 3, lines 55-62) selection means for selecting a first processing mode corresponding to said first point specified according to a result of detection by said detection means, and a second processing mode corresponding to said second point specified on said display panel while said first point is detected; (Minakuchi discloses a manipulation to conducted on a displayed object, col. 4, lines 25-35) and execution means for executing said first or second processing modes. (Minakuchi discloses a system controller executed by the CPU, col. 3, lines 22-24, which also sends the display update data and the manipulation type conducted, col. 4, lines 6-16)

With respect to dependent claim 5, the first and second processing modes perform at least one of enlargement, reduction, and rotation. (Minakuchi discloses a push while rotate manipulation, col. 6, lines 36-37)

As per independent claim 6, it is rejected based upon similar rational as above independent claim 4. (Minakuchi discloses displaying special states selectively for each manipulation, col. 3, lines 49-54)

As per independent claim 7, it is rejected based upon similar rational as above independent claim 4. (Minakuchi discloses touch discriminator, i.e. interpreter, which discriminates the type of touch, col. 3, line 63 – col. 4, line 5)

As per independent claim 8, a coordinate position input apparatus comprising: a touch panel for outputting a coordinate data of a middle point . . . ; (Minakuchi discloses conducting a manipulation in such a way that the object is pushed off its center, col. 5, lines 38-42) storage means for retaining coordinate position of the two points . . . ; (Minakuchi discloses touch screen information including two sets of coordinates, col. 3, lines 58-59) detection means for detecting a coordinate position . . . ; (Minakuchi discloses determining the type of manipulation based upon the touch report and contents of the display information table and sending display update request to the display controller, col. 6, lines 42-50) and calculation means for calculating a coordinate of one of the two touch points . . . (Minakuchi discloses the display controller reading the information and updating the object by a specified amount, col. 6, lines 51-57)

With respect to dependent claim 9, a second point is touched while a first point is touched, the touch point of the second point is calculated according to a current middle point coordinate position and a previous first point . . . (Minakuchi discloses calculating a object manipulation based upon a center position, col. 6, lines 38-41)

As per independent claim 10, a portable information processing apparatus comprising: a touch-sensitive display panel; means for detecting a first touch point . . . ; and means for detecting a second touch point . . . (Minakuchi discloses a touch report and contents of the display information table for performing various manipulations until a

continuous touch end is reported by the touch report, and further discloses a push while rotate manipulation, col. 6, lines 25-50)

With respect to dependent claim 11, the first process relates to moving a predetermined object . . . (Minakuchi discloses a manipulation of pushing an object at a predetermined location, col. 6, lines 41-42)

With respect to dependent claim 12, wherein the second process performs at least one enlargement, reduction, and rotation. (Minakuchi discloses a second manipulation performed after the object has been pushed of rotating the object, col. 6, lines 51-57)

With respect to dependent claim 13, the first process comprises shifting from a first operation mode to a second operation mode. (Minakuchi discloses a second manipulation performed after the object has been pushed of rotating the object, col. 6, lines 51-57)

With respect to dependent claim 14, the second process comprises an operation indicated on the touch-sensitive display panel as a result of execution of the first operation mode to a second operation mode. (Minakuchi discloses a touch report and contents of the display information table for performing various manipulations until a continuous touch end is reported by the touch report, col. 6, lines 25-50)

As per independent claim 15, and dependent claims 16-17, they are rejected based upon similar rational as above independent claim 10 and dependent claims 13-14 respectively.

***Response to Arguments***

6. Applicant's arguments filed 09/25/2003 have been fully considered but they are not persuasive.

Applicant argues that Minakuchi fails to disclose feature for selecting a first processing mode corresponding to a first point and a second processing mode corresponding to the second point. Minakuchi discloses manipulating the display of objects on a touch panel and discloses display control means that recognizes a manipulation to be conducted based on the touch screen information in the display information storage. Minakuchi discloses a touch report including the touch type and touch screen information for one or two sets of coordinates to determine the type of manipulation to be performed, col. 4, lines 1-16. It is inherent that the manipulations or graphic processing modes performed are based upon the touch screen information stored in the display information storage means and that the invention of Minakuchi can be manipulated to include positioning a first finger and a second finger to perform different manipulations to allow a user easy control for a hand held device.

Applicant further argues that Minakuchi fails to disclose outputting a coordinate data of a middle point when two points are simultaneously touched. Minakuchi discloses a touch type report and the touch screen information may include two sets of coordinates, col. 3, lines 55-62. Minakuchi further discloses in figure 4a a display position information table and file information. It is inherent that the display position information table and file information can be manipulated to include a manipulation based upon a middle point, because the manipulations or graphic processing modes

performed are based upon the touch screen information stored in the display information stored.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Motilewa A. Good-Johnson  
Examiner  
Art Unit 2672

mgj  
December 1, 2003



MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600